



WEB COPY

W.P.No.19135 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19135 of 2020

and

W.M.P.No.23705 of 2020

Yoganathan @ Kanchi Amuthan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.The District Collector,
Kanchipuram District,
Collectorate,
Kanchipuram – 631 501.

3.The Engineer-in-Chief,
Water Resources Department and
Chief Engineer (General),
Public Works Department,
Chennai – 600 005.

4.The Chief Engineer,
Water Resources Department,
Plan Formulation,
Chennai – 600 005.



5. The Executive Engineer,
Water Resources Department,
Divisional Office of Kil Palar Water Resources,
Kanchipuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned Letter No.Vu.Po/Ko.52 (CM Cell – PPM)/1114pala/ dated 22.10.2020 paned by 5th respondent, quash the same and further direct the 2nd respondent to construct the check dam as per as per the G.O.Ms.No.62 dated 26.02.2020 for Public Works (T2) Department, in the place of Ullavar (Palayaseevaram) Village.

For Petitioner : Mr.G.K.Sekar

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the information provided to the writ petitioner by the Executive Engineer in proceedings dated 22.10.2020.

2. The grievance of the writ petitioner is that there was no check dam across Palar River, however cannot be considered in view of the fact that the



Government had already constructed check dams based on the report of the authorities of the Water Resources Department.

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3. Therefore, this Court is of an opinion that once a check dam has already been constructed, the petitioner cannot seek any further relief to construct check dam in the place of his choice. Such policy decisions are to be taken by considering the expert's opinion and the High Court cannot exercise of the powers of judicial review and issue direction to construct check dams in a particular place of his choice. More so, the impugned information states that the check dam has already been constructed in that locality. That being so, the relief as such sought for cannot be granted.

4. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2024

Jeni
Index : Yes
Neutral Citation : Yes / No
Speaking order / Non-speaking order



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To

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S.M.SUBRAMANIAM, J.

Jeni

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